

**\*\*NOT FOR PRINTED PUBLICATION\*\***

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

BLAZE HICKS	§	
VS.	§	CIVIL ACTION NO. 9:19-CV-212
BRYAN SEALES, ET AL.	§	

ORDER PARTIALLY ACCEPTING THE REPORT AND  
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Plaintiff Blaze Hicks, a prisoner confined at the Tyler County Jail, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Bryan Seales, Michael Greaff, Bryan Weatherford, Kerry Perry, and Donald Calhoun.

The court ordered that this matter be referred to a United States Magistrate Judge for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends dismissing the claims against Defendants Seales, Greaff, and Weatherford pursuant to 28 U.S.C. § 1915(e) as frivolous and for failure to state a claim upon which relief may be granted. The Magistrate Judge recommends dismissing the claims against Defendants Greaff and Weatherford because Plaintiff's allegations that the defendants failed to adequately investigate his complaints do not rise to the level of a constitutional violation. *See Geiger v. Jowers*, 404 F.3d 371, 374 (5th Cir. 2005) (holding that inmates do not have a protected interest in having complaints resolved to their satisfaction). The Magistrate Judge recommends dismissing the false imprisonment claim against Defendant Seales because the Plaintiff did not allege that he was detained without

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probable cause, and he had alleged that there was a warrant for his arrest. *See Arnold v. Williams*, 979 F.3d 262, 269 (5th Cir. 2020) (holding that the plaintiff must show there was no probable cause to detain him to state a claim of false imprisonment).

The Court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and the pleadings. Plaintiff filed Objections to the Magistrate Judge's Report and Recommendation on June 1, 2021. (Doc. #47.) On June 11, 2021, Plaintiff filed additional Objections to the Report and Recommendation. (Doc. #48.) Plaintiff does not object to the Magistrate Judge's recommendation to dismiss the claims against Defendants Greaff and Weatherford. Plaintiff does object to the dismissal of Defendant Seale, and he now alleges that he was arrested without probable cause or a warrant.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes that Plaintiff has alleged sufficient facts to proceed with the false imprisonment claim past the initial screening required by 28 U.S.C. § 1915A(a).

### **ORDER**

The findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **ACCEPTED** as to Defendants Greaff and Weatherford. Defendants Michael Greaff and Bryan Weatherford are **DISMISSED** from this action. The Plaintiff's objections

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are **SUSTAINED** as to the claim of false imprisonment against Bryan Seales, and that claim remains pending before the court.

**So Ordered and Signed**

Nov 8, 2021

A handwritten signature in black ink, appearing to read "Ron Clark", written over a horizontal line.

Ron Clark  
Senior Judge